

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, May 19, 2008

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin,
R. Hall, K. Holt, P. Plante, B. Ryan,

Members absent: P. Kochenburger, B. Pociask

Alternates present: G. Lewis, L. Lombard

Alternates absent: M. Beal

Staff present: G. Padick (Director of Planning), C. Hirsch (Zoning Agent)

Chairman Favretti called the meeting to order at 7:36 p.m. and appointed alternates Lewis and Lombard to act.

Minutes:

5-5-08- Plante MOVED, Hall seconded, to approve the 5/5/08 minutes as corrected. MOTION PASSED UNANIMOUSLY.

5-14-08 Field Trip- Ryan MOVED, Holt seconded, to approve the 5/14/08 field trip minutes as corrected. MOTION PASSED with Favretti, Ryan, Lombard and Holt in favor and all others disqualified.

Scheduled Business:

Public Hearing Continuation:

Resubdivision application, 9 Proposed lots off of Dodd

Road (Quiet Meadow), L. LaGuardia o/a

File #1108-2

Chairman Favretti opened the continued Public Hearing at 7:37 p.m. Holt disqualified herself. Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, P. Plante, B. Ryan, and alternates G. Lewis, L. Lombard, who were appointed to act. Padick listed the following communications received and distributed to all members of the Commission: a 5-19-08 memo from the Open Space Preservation Committee; a 5-19-08 memo from Gregory J. Padick, Director of Planning; a 5-15-08 memo from Grant Meitzler, Assistant Town Engineer; a 5-14-08 letter from Matthew Maynard, Project Engineer, Towne Engineering; a 5-1-08 letter from Kenneth Feathers, 371 Gurleyville Road; a 4-30-08 letter from Towne

Engineering; a 4-30-08 resume of Donald R. Aubrey, P.E., L.S. Towne Engineering; a 4-18-08 email communication from Kenneth J. Metzler, Ecologist, State Geological and Natural History Survey Department, DEP; and an undated memo containing comments from the 4-2-08 meeting of the Parks Advisory Committee.

Matthew Maynard, Project Engineer, Towne Engineering, noted that they have no new information to present, but stated that they are waiting for two items, a response from E.H.H.D. and from the state archaeologist.

Padick asked the applicants if they would accept a condition that would require their excavation work to be coordinated with the state archaeologist. They indicated that they would, but noted that the initial assumptions by the archaeologist is that there will be no findings.

Favretti asked for clarification in Maynard's 5-14-08 memo regarding the open space percentage dedication.

Padick asked for responses to questions raised in his memo regarding the appropriateness of the street trees selected. John Alexapolous, Landscape Architect, confirmed that the trees selected are appropriate in his professional opinion. Padick asked for clarification on the location of the utilities. Donald R. Aubrey, P.E., L.S., Towne Engineering, responded that the utilities will be underground, adding that Lot 1 as proposed will be served by overhead lines running off an existing pole. Aubrey stated that there is no physical reason why they can't go underground, but that going overhead would save disturbing the roadway. Padick pointed out to the applicants that the plans say the amount of topsoil being brought in would be 6 inches, but the cross section says 4 inches. Aubrey noted that he will change the plans to reflect 6 inches. Padick also expressed concern of the property owners that abut parcel C and their issue regarding encroachment. Dr. Ralph LaGuardia, applicant and owner, responded that he has not addressed this issue with the neighbors. Padick stated that if the Town agrees to take ownership of the open space parcel C, they might suggest conveying a small abutting strip to the neighbors to avoid this encroachment issue. Padick also raised concern for the reported safety issue of the old dam noting reports of exposed rebar and loose foundation

stone. Aubrey feels that this is an issue that can easily be rectified prior to any agreements.

Dennison Nash, resident of Storrs Road and Chaffeeville Road, expressed concern with the impact a new development will have on the neighborhood.

Peter Friedland, 17 Chaffeeville Road, asked for clarification regarding the visual effect and impact on the Historic District. Padick commented that the Historic District can only control buildings that are within, and they have no input on property that can be seen from it. Friedland stated that this proposal will visually detract from the character of the Historic District since the proposed homes would be visible from it. Friedland also mentioned his concern for the impact that this proposal will have on traffic, noting the deaths and injuries that have occurred from accidents at the intersections of Chaffeeville Road, Dodd Road and Route 195.

Goodwin questioned Padick if the Public Hearing can be closed pending receipt of the State Archaeologist's report. Aubrey noted that they will follow the advice of the State Archaeologist's report. Lewis asked if a traffic study is required on a subdivision of this size. Padick responded that it is not required.

Favretti noted no further questions or comments from the public or the Commission, Gardner MOVED, Plante seconded, to close the public hearing at 8:12.m. MOTION PASSED UNANIMOUSLY, with Holt disqualified.

Public Hearing:

Special Permit Application, deposition of fill material, 66 Davis Road, L.M. Romeo, o/a, File #1270

Chairman Favretti opened the Public Hearing at 8:14 p.m. Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Ryan, and alternates G. Lewis, L. Lombard, who were appointed to act. Zoning Agent Hirsch read the legal notice as it appeared in the Chronicle on 5/8/08 and 5/14/08, and listed the following communications received and distributed to all members of the Commission: a 5/13/08 memo from Grant Meitzler, Assistant Town Engineer; a 5/15/08 memo from Curt Hirsch, Zoning Agent; and a 5/15/08 letter from R. and L. Beebe.

Michael Romeo, owner and applicant, stated that the use of the fill material is for landscaping and lawn improvements. Romeo submitted the return receipts of neighborhood notification noting that only one had not been returned.

Holt asked about the total amount of fill being brought in. Romeo responded it would be 800 cubic yards.

Gardner questioned if there will be any impact to the wetlands from this fill. Hirsch responded that the area being filled is over 200 feet away.

Favretti questioned the applicant on the effect of this work on the stone walls. The applicant stated that he intends to restore the walls to their original character.

Holt asked the applicant if he intends to seed after grading. Romeo stated that he intends to use the area as lawn and will seed it as soon as possible, depending on weather.

Favretti noted no further questions or comments from the public or the Commission, Hall MOVED, Plante seconded, to close the Public Hearing at 8:21 p.m. MOTION PASSED UNANIMOUSLY.

Holt volunteered to work with staff and draft a motion for the next meeting.

Public Hearing Continuation:

PZC-Proposed revisions to the Zoning Map and Zoning Regulations, File #907-30

Chairman Favretti opened the continued Public Hearing at 8:22 p.m. Lombard disqualified himself.

Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Ryan, and alternate G. Lewis, who was appointed to act. Padick noted the following communication received and distributed to members of the Commission: a 5-13-08 Letter from Attorney Kari L. Olson, of Murtha Cullina LLP., representing the Husseys, which outlines her testimony at the 4-21-08 Public Hearing; a 4-30-08 memo from the Conservation Commission; and a 5-18-09 memo from Gregory J. Padick; and a 5-19-08 memo from Denis O'Brien, Town Attorney.

Attorney Kari L. Olson, of Murtha Cullina LLP., represented the Husseys who are property owners of a majority of the land affected

by this proposal. She has reviewed the Town Attorney's and Town Planner's memos and disagrees with their comments. She stated that she feels that the provisions as written are legally inappropriate and cannot be amended to address the Husseys' concerns without starting the review process again. She asked that the Planning and Zoning Commission withdraw this proposal and review the comments made at these public hearings and sit down with all of the affected property owners and draft a new proposal. She noted that the applicant appreciates the amount of time and effort that went into this, and would like to see a proposal that benefits everyone involved.

Holt asked if Jim Gibbons, of the UConn Cooperative Extension Service, has reviewed this proposal. Padick indicated that he had not.

Favretti noted no further questions or comments from the public or the Commission. Hall MOVED, Holt seconded, to close the public hearing at 8:28.m. MOTION PASSED UNANIMOUSLY with all in favor except Lombard who was disqualified.

Old Business:

1. Zoning Agent's Report

A. The enforcement update was noted.

B. DAE Modification Request, 171 Mount Hope Road, PZC File #1191

Holt MOVED, Hall seconded, that the PZC approve the requested Development Area Envelope revision as proposed, except that the proposed DAE shall run parallel to, and twenty feet away from the southern perimeter line of the designated wetlands as flagged on the approved subdivision plan. The applicant shall also file a Notice of Development Area Envelope Revision upon the land record. MOTION PASSED UNANIMOUSLY.

C. Special Permit renewal - Gravel Permits

Holt MOVED, Gardner seconded, that the Commission set a public hearing for June 16, 2008, for the purpose of hearing special permit, gravel renewal requests. MOTION PASSED UNANIMOUSLY.

2. Special Permit Application, Request to approve the use of off-site parking to increase restaurant occupancy at the Thirsty Dog Pub, N. Eagleville Rd., File #930-7

Plante disqualified himself. After extensive discussion which included use of a nearby UConn parking lot and occupancy number limits, the Commissioners asked Padick to verify the numbers again. Holt volunteered to draft a motion for the next meeting. Hall requested that any approval motion include "at no time while occupied shall the doors remain locked".

3. **Subdivision Application, Windwood Acres, Baxter Estates Section II, 6 lots off of Storrs Rd., Crossen., o/a File # 1229-2**
Tabled pending a continued Public Hearing on 6/2/08.
4. **11 lot Subdivision Application, Wormwood Hill and Knowlton Hill Rds, Green o/a, File #1269**
Tabled pending a continued Public Hearing on 6/2/08.
5. **Application to Amend Art. X. Sec. C.5. of the Zoning Regulations Re: Table Umbrella Signs. Storrs Associates, LLC. o/a File #1271**
Tabled pending a continued Public Hearing on 6/2/08.

New Business:

1. **Site/Building Modification Request, Sam Tree LLC, 699 Storrs Road, file #554-2**
Holt MOVED, Hall seconded, that the Planning and Zoning Commission approve the request of Sam Tree, LLC, for the paving of the existing parking lot at 699 Storrs Road with the condition that pavement markings be installed as depicted on the 3/22/06 PZC-approved plan and that the accessible parking space be painted per State Code requirements and that the required highway permit be obtained from the Public Works Department before any paving work is started. The remaining items contained in the applicant's 5/10/08 application shall be forwarded to staff for review and comment. MOTION PASSED UNANIMOUSLY.
2. **Site Modification Request, Block Properties LLC, Hanks Hill Mobile Home Park, Hanks Hill Road file #1272**
Goodwin MOVED, Holt seconded, that the Commission receive the Request for Site Modifications submitted by Michael Block and refer it to staff for review and comment. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

All items were noted. Favretti noted that the Fee Schedule that was distributed this evening was approved by the Town Council and the effective date will be 5/27/08.

Communications and Bills:

It was noted that at 7:30 pm on Tuesday, May 27th in the Council Chambers, during the Town Council Meeting, there will be a Sewer Study Report presentation and all are encouraged to attend.

Adjournment:

Favretti declared the meeting adjourned at 9:16 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary